IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CRIMINAL MISC. PETITION NO.1295/07

Chiman Lal **Versus** State

DATE OF ORDER : 19/11/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Miss Renu Agrawal for Mr. Ashok Yadav, for petitioner
Mr. Arun Sharma, Public Prosecutor

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Instant petition has been filed for quashing of FIR which was registered against accused-petitioner u/s.16/54 of Raj. Excise Act,1950.

Basic bone of contention of counsel for petitioner is that those who are named as eye witnesses in the FIR namely; Suresh & Vijendra they have submitted their affidavits and stated that no such excisable item was seized from accused-petitioner and in such circumstances, FIR deserves to be quashed.

From perusal of FIR, prima facie constitute of offence being committed under Rajasthan Excise Act and so far as affidavits furnished along with petition are concerned, it is for the Investigating Officer to examine and no opinion at this stage can be expressed by this court.

Consequently, this misc. petition has no force and the same is, accordingly, dismissed.

[AJAY RASTOGI],J.